

FROM : VAL

FAX NO. : 4122415886

Oct. 25 2004 01:36PM P2



DEPARTMENT OF VETERANS AFFAIRS
Medical Center
University Drive
Pittsburgh PA 15240

September 24, 2004

Mr. Joseph Backers
 Coalition of Veterans Advocates
 P.O. Box 175
 Rural Ridge, PA 15075

In Reply Refer To:

Dear Mr. Backers:

This is in response to your Freedom of Information Act (FOIA) request dated June 15, 2004 in which you asked for a copy of documents pertaining to a 14 item list. I am sorry for the delay in processing the request, however input was needed from many areas to determine if records were available, and an estimate of the number of pages, and search time involved in handling this request.

In your request you asked for a fee waiver because you believe the records sought will contribute significantly to the public's understanding of the operations or activities of the government and that the request is not in your own commercial interest.

The FOIA sets forth two requirements that must both be met before fees can be waived. First, a requestor must be in a position to disseminate the information requested to members of the general public, as opposed to a narrow segment of interested persons, and the information must be of such nature as to contribute significantly to the public's understanding of the operations or activities of the government. And second, the request must not be primarily in the commercial interest of the requestor.

It is my understanding that your request does not satisfy the first standard because you are not in a position to disseminate the requested information to the general public, as opposed to a narrow segment of interested persons. Generally members of the news media, authors, educators, and researchers can satisfy this criterion. We cannot see by your identity or by any statement in your request where you are in a position or have the ability or intention to disseminate the requested information to the general public. Your request also does not describe how dissemination of the information sought will contribute significantly to the public's understanding of the operations or activities of the government. Consequently, your fee waiver is denied.

The fees associated with processing this request are estimated to be \$30,369.75. We are required by 38 C.F.R. 1.555 (b)(2) to notify a FOIA requestor whenever estimated charges are found to be greater than \$25.00 and offer the opportunity to confer with Department personnel with the object of reformulating the request to meet the requestor's needs at a lower cost. If you desire, you may contact me by telephone at (412) 688-6000 extension 81-5650 to pursue this option.

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Otherwise, in accordance with 38 C.F.R. 1.555 (g)(4)(i), you must pay the estimated fees stated above before we can continue processing your request. Please be advised that the actual FOIA fees could exceed or fall below the estimated amount upon final tabulation. An appropriate adjustment will be made for any difference upon completion of processing your request.

Please send a certified check or money order in the amount above, made payable to "Department of Veterans Affairs", to the address listed below and we will finish processing your request and will disclose all releasable responsive records in our custody. The mailing address to submit your payment is:

VA Pittsburgh Healthcare System
Attn: Laura Jenkins, FOIA Officer (162C-U)
University Drive C
Pittsburgh, PA 15240

If I have not received a response to this letter within 14 calendar days of the date of this letter, then I will have to conclude that you do not wish for us to proceed with processing your request and we will consider it closed until such time as we receive the required payment or hear otherwise from you.

Your request was processed by the undersigned.

You may appeal the fee determination made in this response to:

General Counsel (024)
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, D.C. 20420

If you should choose to file an appeal, please include a copy of this letter with your appeal and clearly indicate why you disagree with our fee determination.

This is a very voluminous request, and while there may be information in each of the categories you asked for, much of it will contain information that must be deleted before the documents are released.

Sincerely,

Laura Jenkins

COALITION OF VETERANS ADVOCATES

P.O. Bo. 175
Rural Ridge, PA 15075